

## RANDALL S. D. JACOBS, PLLC

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ADMITTED IN:  
THE STATE OF NEW YORK  
UNITED STATES DISTRICT COURTS, SDNY & EDNY  
THE 2<sup>ND</sup> CIRCUIT COURT OF APPEALS  
THE 9<sup>TH</sup> CIRCUIT COURT OF APPEALS  
THE SUPREME COURT OF THE UNITED STATES

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August 18, 2017

### Filed Electronically

The Hon. Carla E. Craig, C. J.  
U. S. Bankruptcy Court, EDNY  
271C Cadman Plaza, Suite 1595  
Brooklyn, NY 11201

Re: IN RE PRIME SIX INC., 17-40104  
Filing Date for Plan and Disclosure Statement

Dear Chief Judge Craig:

The undersigned represents the chapter 11 Debtor, Prime Six, Inc. (the "Debtor").

The Court may recall that at the end of the last hearing held in this case on or about July 25, 2017, on the Debtor's pending Motion to Assume its Lease, Mr. Doyaga, appearing on behalf of the Landlord, indicated that he had heard the Court's comments from the Bench, but that apparently I could not, with respect to filing of the Stipulation between the Landlord and the Debtor.

Following that discussion, I heard the Court indicate its desire for the Debtor to file its Plan and Disclosure Statement and suggest what I had heard as September 19, 2017 as the filing date thereof. At that time, I was aware that the Debtor's sole stockholder, officer and director was shortly going to leave for an extended family trip to Israel and would not be available until after Labor Day; accordingly, I believed the "September 19, 2017 filing" date to be sufficient time in which to prepare and file the Plan and Disclosure Statement for this Debtor.

At the same time, I have been heavily involved in both a chapter 11 case (recently dismissed) with multiple parties from the chapter 11 case continuing litigation in a Federal RICO

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action in the Eastern District before Judge Spatt. Multiple motions to dismiss and for other relief together with a detailed briefing schedule for all of them have been set and amended in that case and I knew I would be completely involved during August therein. For both those reasons, I indicated to the Court that I thought that the September 19, 2017 filing date I heard would provide the Debtor herein with sufficient time to file its Plan and Disclosure Statement.

Today, I concluded negotiations with counsel for the IRS, Edwin Cortes, Esq., who also appeared at that last July hearing, upon agreeing to terms for adequate protection payments to the IRS in a stipulation which has been accepted by the U.S. Trustee's Office. In discussing the filing of the Stipulation, Mr. Cortes asked if I was going to file the Plan and Disclosure Statement today as well. I responded that he was incorrect and that it was not due until September 19, 2017. He replied with a copy of the Docket entry for the last Court hearing and, to my shock and surprise, for the first time I realized that the Court had directed that the Plan and Disclosure Statement were to be filed **today**, August 18, 2017.

I quickly contacted your Chambers by email addressed to Tracie Leonard who I discovered is out on vacation. I spoke with Sheree Jackson about this apparent misunderstanding on my part. She suggested that I file this letter explaining the problem to the Court.

Accordingly, I apologize to the Court for this inconvenience and I hereby request that the Court grant the Debtor an additional 31 days to file its Plan and Disclosure Statement by September 19, 2017 and to schedule the hearing thereon in conformity with the Bankruptcy Rules, as soon as the Court's calendar allows.

Very truly yours,

/s/ *Randall S. D. Jacobs*  
Randall S. D. Jacobs

RSDJ/zo  
Enclosures (2)  
cc: Akiva Ofshtein, Esq., (via PDF Attachment to direct email)  
Edwin Cortes, Esq. (via PDF Attachment to direct email)  
Marylou Martin, Esq., Office of the US Trustee (via PDF Attachment to direct email)